

Patent Application  
Attorney Docket No.: 56130.000042  
Client Reference No.: 12876ROUS01U

REMARKS

The Office Action dated May 19, 2005, has been received and carefully considered. It is believed that this Amendment, in conjunction with the following remarks, place the application in immediate condition for allowance. Accordingly, entry of this Amendment and favorable consideration of the application are respectfully requested.

Applicants note with appreciation the indication on page 9 of the Office Action that claims 1-8, 10-30 and 45 are allowable.

I. THE ENABLEMENT REJECTION OF CLAIMS 31, 33, 35, 36, 38, 40-44, 46 AND 47

On page 2 of the Office Action, claims 31, 33, 35, 36, 38, 40-44, 46 and 47 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. This rejection is hereby respectfully traversed.

Although Applicant does not agree with the pending rejection, Applicant has nonetheless canceled claims 31-44 and 46-47, which Applicant intends to pursue in a continuation application.

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In view of the foregoing, it is respectfully requested that the aforementioned enablement rejection of claims 31, 33, 35, 36, 38, 40-44, 46 and 47 be withdrawn.

II. THE ANTICIPATION REJECTION OF CLAIMS 31, 33, 35, 36, 38, 40 AND 46

On page 2 of the Office Action, claims 31, 33, 35, 36, 38, 40 and 46 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wang (Haojin Wang, "Telecommunications Network Management," McGraw-Hill Companies, Inc., July 26, 1999). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a *prima facie* case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). "Such possession is effected if one of ordinary

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skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention." Id.

Although Applicant does not agree with the pending rejection, Applicant has nonetheless canceled claims 31-44 and 46-47, which Applicant intends to pursue in a continuation application.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 31, 33, 35, 36, 38, 40 and 46 be withdrawn.

**III. THE ANTICIPATION REJECTION OF CLAIMS 41-44 AND 47**

On page 5 of the Office Action, claims 41-44 and 47 were rejected under 35 U.S.C. § 102(b) as being anticipated by Svedberg et al. (U.S. Patent No. 5,408,218). This rejection is hereby respectfully traversed.

Although Applicant does not agree with the pending rejection, Applicant has nonetheless canceled claims 31-44 and 46-47, which Applicant intends to pursue in a continuation application.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 41-44 and 47 be withdrawn.

IV. THE OBVIOUSNESS REJECTION OF CLAIMS 32, 34, 37 and 39

On page 6 of the Office Action, claims 32, 34, 37 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Curtis (U.S. Patent No. 6,442,754). This rejection is hereby respectfully traversed.

Although Applicant does not agree with the pending rejection, Applicant has nonetheless canceled claims 31-44 and 46-47, which Applicant intends to pursue in a continuation application.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 32, 34, 37 and 39 be withdrawn.

V. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

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Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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